

## § 590.610

forms approved by the Administrator and filed with the inspection service.

[36 FR 9814, May 28, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 47 FR 745, Jan. 7, 1982]

### § 590.610 Criteria for exemption.

Any plant processing egg products may qualify for exemption where:

(a) The facility, operating procedures and practices, and sanitation meet the standards required for official egg products plants as are contained in §§ 590.500 through 590.580, and such exempted plants shall thereafter be subject to other provisions applicable to official plants which shall include maintaining records such as pasteurization temperatures and holding times, laboratory records, egg products testing procedures, and making all such records available for review.

(b) The eggs received or used in the manufacture of egg products contain no more restricted eggs than are allowed by the official standards for U.S. Consumer Grade B shell eggs.

[36 FR 9814, May 28, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 47 FR 745, Jan. 7, 1982]

### § 590.620 Authority of applicant.

Proof of authority of any person applying for exemption from continuous inspection may be required by the Administrator.

### § 590.630 Filing of application.

An application for exemption shall be regarded as filed only when it has been filled in completely and signed by the applicant and has been received in the office of the inspection service.

### § 590.640 Application for exemption; approval.

Any person desiring to process egg products pursuant to the exemption provision of the Act and these regulations must receive approval of such plant, facilities, and operating procedures as an exempted plant. An application for exemption shall be according to the following:

(a) *Initial survey.* When an application for exemption of a plant has been filed, a Supervisory Egg Products Inspector

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will make a survey and inspection of the premises and plant to determine if the facilities, methods of operation, and eggs received or used therein are suitable and adequate in accordance with:

(1) Section 590.610; and

(2) Such other administrative instructions as may be issued, from time to time, by the Service and which are in effect at the time of the aforesaid survey and inspection.

(b) *Final survey and exemption approval.* Upon notification by the applicant for exemption that all the criteria for exemption required in § 590.610 are in effect and an initial survey has been performed, the applicant shall:

(1) Submit drawings and specifications in accordance with the same requirements as official plants as specified in § 590.146(b);

(2) Submit labels for approval as specified in § 590.680;

(3) Request a final survey be made by a Supervisory Egg Products Inspector to determine if the plant is constructed and the facilities are installed in accordance with the approved drawings and these regulations.

(c) The plant will be approved for exemption only when all the requirements of this section have been met.

[36 FR 9814, May 28, 1971; 36 FR 10841, June 4, 1971. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981]

### § 590.650 Exempted plant registration number.

Each plant processing egg products which receives the Administrator's approval for exemption shall be assigned an "Exempted Registration Number" at the time the exemption approval is provided.

### § 590.660 Inspection of exempted plants.

Duly authorized representatives of the Administrator shall make such periodic inspections of exempted plants and records thereof as the Administrator may require to ascertain if any of the provisions of the Act or these regulations applicable to exempted plants have been violated. Such representatives shall be afforded access, at any reasonable time, to any plant or

place of business subject to inspection under the provisions of the Act.

**§ 590.670 Termination of exemption.**

The Administrator may suspend or terminate any exemption if the criteria for exemption required in § 590.610 are not being met. In addition, if any violation has been committed, the applicable penalties provided in this part may be enforced as provided in the Act.

**§ 590.680 Approval of labeling for egg products processed in exempted egg products processing plants.**

(a) The labels for egg products which are capable for use as human food shall be submitted to the Administrator for approval. The submission and approval shall be the same as for official plants as required in § 590.411 except the labels or containers shall not bear official identification.

(b) The label or container shall legibly and conspicuously bear the statement: "Exempted—E.P.I.A. Registration No. \_\_\_\_." The registration number shall be that assigned to the exempted plant as provided in § 590.650.

**IDENTIFICATION OF RESTRICTED EGGS OR EGG PRODUCTS NOT INTENDED FOR HUMAN CONSUMPTION**

**§ 590.800 Identification of restricted eggs.**

The shipping container of restricted eggs shall be determined to be satisfactorily identified if such container bears the packer's name and address, the quality of the eggs in the container (e.g., dirties, checks, inedibles, or loss), or the statement "Restricted Eggs—For Processing Only In An Official USDA Egg Products Plant," for checks or dirties, or "Restricted Eggs—Not To Be Used As Human Food," for inedibles, loss, and incubator rejects, or "Restricted Eggs—To Be Regraded" for graded eggs which contain more restricted eggs than are allowed in the official standards for U.S. Consumer Grade B shell eggs. The size of the let-

ters of the identification wording shall be as required in § 590.860.

[40 FR 20060, May 8, 1975. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981, as amended at 60 FR 49171, Sept. 21, 1995; 63 FR 69972, Dec. 17, 1998]

**§ 590.840 Identification of inedible, unwholesome, or adulterated egg products.**

All inedible, unwholesome, or adulterated egg products shall be identified with the name and address of the processor, the words "Inedible Egg Products—Not To Be Used as Human Food."

**§ 590.860 Identification wording.**

The letters of the identification wording shall be legible and conspicuous.

[37 FR 6659, Apr. 1, 1972. Redesignated at 42 FR 32514, June 27, 1977, and further redesignated at 46 FR 63203, Dec. 31, 1981]

**IMPORTS**

**§ 590.900 Requirements for importation of egg products or restricted eggs into the United States.**

(a) Egg products and restricted eggs may be imported into the United States from any foreign country only in accordance with these regulations. The term *United States* means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and the District of Columbia. The importation of any egg or egg product in violation of the regulations of this part is prohibited.

(b) All such imported articles shall upon entry into the United States be deemed and treated as domestic articles and be subject to the other provisions of the Act, these regulations, and other Federal or State requirements.

**§ 590.905 Importation of restricted eggs or eggs containing more restricted eggs than permitted in the official standards for U.S. Consumer Grade B.**

No containers of restricted egg(s) other than checks or dirties shall be